



Dep & Ref

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : PARRUCK, Bidyut et al
Appl. No. : 09/851,565
Filed : 05/08/2001
Title : Multi-Service Segmentation and Reassembly Device
That Maintains Only One Reassembly Context Per
Active Output Port

Grp./A.U. : 2616
Examiner : Duong, Duc T.

Docket No.: 15047

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR WITHDRAWAL OF REQUEST FOR CONTINUED EXAMINATION
AND REFUND OF RCE FILING FEE**

Due to the issuance of a Non-Final Office Action mailed November 24, 2006, which action withdrew the finality of the Final Office Action mailed on May 3, 2006, it is requested that the Request for Continued Examination be withdrawn and that the RCE filing fee of \$395.00 be refunded to Deposit Account 19-2550. In addition, it is respectfully requested that any fees for extension of time that may have been charged to Deposit Account 19-2550 in November 2006 with respect to the filing of the RCE be refunded to the Deposit Account.

Remarks concerning this Request begin at page 2 of this paper.

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REMARKS

A Final Office Action with respect to this application was mailed May 3, 2006. A Response to the Final Office Action was filed in the US Patent Office on June 30, 2006, and was thus filed within a two month period of the issuance of the Final Office Action such that any period requiring a payment for an extension of time would have begun on the date of the issuance of an Advisory or other action taken by the Examiner in response to the Amendment filed. As no action had been received by late October 2006, a series of Telephone calls were made to the Examiner to determine the status of the application, however no action was forthcoming.

On November 3, 2006, a check was made of our private PAIR site and attached, as Exhibit "A", is a printout showing that no action on the submitted Amendment had yet been taken although the Amendment is shown as being forwarded to the Examiner on July 7, 2006. By way of a further telephone discussion with the Examiner, the undersigned attorney was informed that the Examiner was intending to issue a further office action withdrawing the finality of the Final Office Action of May 3, 2006. However, as no action was showing of the PAIR site on November 3, 2006, a

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decision was made to file a RCE in order to prevent the abandonment of the application on the last date of the six month statutory period.

One November 24, 2006, a Non-Final Office Action was mailed response to the Amendment filed and without reference to the RCE which did in fact withdraw the finality of the Final Office Action. In view of the issuance of the Non-Final Office Action, it is submitted that the RCE should be withdrawn and the fee of \$395.00 refunded to Deposit Account 19-2550.

If this request is more properly submitted in the form of a Petition, it is requested that it be considered as such. It is believed, however, that no fees should be required as the action that was taken in filing the RCE was necessitated by Office delay. Should there be any question, the attorney of record may be reached at the telephone and email address shown below.

Respectfully submitted,



Ralph A. Dowell
Registration No. 26,868
Date: December 22, 2006

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Transaction History

Date	Transaction Description
07-07-2006	Date Forwarded to Examiner
06-30-2006	Amendment after Final Rejection
05-03-2006	Mail Final Rejection (PTOL - 326)
05-01-2006	Final Rejection
02-10-2006	Information Disclosure Statement considered
05-08-2001	Information Disclosure Statement considered
09-19-2001	Information Disclosure Statement considered
03-21-2006	Case Docketed to Examiner in GAU
02-10-2006	Reference capture on IDS
02-10-2006	Information Disclosure Statement (IDS) Filed
12-28-2005	Date Forwarded to Examiner
12-16-2005	Response after Non-Final Action
12-16-2005	Request for Extension of Time - Granted
05-08-2001	PGPubs early publication request
08-31-2005	Correspondence Address Change
08-24-2005	Mail Non-Final Rejection
08-22-2005	Non-Final Rejection
04-27-2005	Correspondence Address Change
04-27-2005	Change in Power of Attorney (May Include Associate POA)
12-03-2004	Correspondence Address Change
10-13-2004	Case Docketed to Examiner in GAU
09-22-2004	IFW TSS Processing by Tech Center Complete
09-19-2001	Reference capture on IDS
09-10-2001	Oath or Declaration Filed (Including Supplemental)
05-08-2001	Reference capture on IDS
05-08-2001	Claims PTO
04-23-2004	Correspondence Address Change
02-25-2002	Preliminary Amendment
03-11-2002	Case Docketed to Examiner in GAU
05-08-2001	Preliminary Amendment
05-08-2001	Information Disclosure Statement (IDS) Filed
09-19-2001	Information Disclosure Statement (IDS) Filed

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EXHIBIT "A"